

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 5:18-CV-00059-FL

NAPIER SANDFORD FULLER,)
)
Plaintiff,)
)
v.)
)
REBECCA W. HOLT, in her official)
capacity as employee of the North)
Carolina Office of the Courts, RICHARD)
A. BADDOUR, in his official capacity as)
employee of the North Carolina)
Administrative Office of the Courts,)
JAMES C. STANDFORD, in his official)
capacity as employee of the North)
Carolina Administrative Office of the)
Courts, JAMES T. BRYAN, III, in his)
official capacity as employee of the North)
Carolina Administrative Office of the)
Courts, SAMANTHA HYATT CABE, in)
her official capacity as employee of the)
North Carolina Administrative Office of)
the Courts, and CATHERINE C.)
STEVENS, in her official capacity as)
employee of the North Carolina)
Administrative Office of the Courts,)
)
Defendants.)

ORDER

This matter is before the court on defendants' motion for leave to issue subpoena against Spectrum News, (DE 42), in which defendants seek temporary lift of stay to issue subpoena compelling Spectrum News to produce “[a]ll aired video footage and all raw video footage related to or concerning the prosecution of State v. Napier Fuller, No. 17 CRS 050340, recorded between 6 August 2018 and 10 August 2018.” (DE 42-2, p. 7).

Plaintiff initiated this action on April 4, 2018, asserting claims against defendants for violations of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101 *et seq.* Plaintiff asserts that defendants failed to provide him reasonable accommodations during his criminal prosecution, State v. Napier Fuller, No. 17 CRS 050340, in violation of the ADA.

Defendants filed a motion to dismiss in lieu of answer on June 25, 2018. Therein, defendants contend that plaintiff’s claims are barred by Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923), Dist. of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983), and Younger v. Harris, 401 U.S. 37 (1971). On July 9, 2018, the court entered a text order staying the case, pending resolution of defendants’ motion to dismiss.

Jury trial in the criminal prosecution, State v. Napier Fuller, No. 17 CRS 050340, commenced August 6, 2018, in Orange County Superior Court. Spectrum News covered the trial. Spectrum News has advised defendants that it will retain video footage relating to the underlying state criminal prosecution up to and through August 20, 2018. Defendants now seek temporary lift of stay to issue subpoena compelling Spectrum News to produce the video footage of plaintiff’s criminal prosecution. A copy of the subpoena is attached as Exhibit B to defendants’ motion. (See DE 42-2). Defendants contend that the video footage is relevant evidence, “insofar as it illustrates – far better than a cold transcript could – plaintiff’s alleged need for accommodations.” (DE 42, ¶ 7).

It is well-established that “[d]iscovery under the Federal Rules of Civil Procedure is broad in scope and freely permitted.” Carefirst of Md., Inc. v. Carefirst Pregnancy Centers, Inc., 334 F.3d 390, 402 (4th Cir. 2003). For good cause shown, the court ALLOWS defendants’ motion. (DE 42). The court LIFTS stay temporarily as to allow defendants to serve Spectrum News with subpoena,

in the form attached as Exhibit B to their motion for leave, by August 20, 2018. (DE 42-2). Thereafter, the court will continue to stay this matter, pending resolution of defendants' motion to dismiss.

SO ORDERED, this the 17th day of August, 2018.



LOUISE W. FLANAGAN
United States District Judge